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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF HAWAII**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL NO. 1:22-cv-00051-DKW-RT

DEPARTMENT OF HEALTH, STATE OF HAWAII; ELIZABETH A. CHAR, in her official capacity as Department of Health Director; MARIAN E. TSUJI, in her official capacity as Department of Health Deputy Director;

Defendants,

and

SIERRA CLUB; BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU,

Intervenor-Defendants.

**SECOND JOINT STIPULATION  
TO CONTINUE ALL  
DEADLINES FOR TWO WEEKS  
AND PROPOSED ORDER**

District Judge: Derrick K. Watson

Magistrate Judge: Rom Trader

[caption continued]

Pursuant to Civil LR6.2, Plaintiff UNITED STATES; Defendants

DEPARTMENT OF HEALTH, STATE OF HAWAI‘I; ELIZABETH A. CHAR, in her official capacity as Director of the State of Hawai‘i Department of Health, and MARIAN E. TSUJI, in her official capacity as Deputy Director of the State of Hawai‘i Department of Health (collectively, “**the State**”); Intervenor-Defendant SIERRA CLUB; and Intervenor-Defendant the BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU (“**Board of Water Supply**”) hereby stipulate and agree as follows:

1. On March 7, 2022, the United States notified the Court that the Secretary of Defense directed “the Secretary of the Navy, in coordination with the

Commander of the United States Indo-Pacific Command, to take all steps necessary to defuel and permanently close the Red Hill Bulk Fuel Storage Facility.” ECF No. 16, Exhibit A at 1.

2. To give the parties an opportunity to meet and confer regarding the effect of the Secretary of Defense’s announcement on the pending litigation, the parties have agreed to continue for two weeks all deadlines and hearings in this case.

3. Previously, pursuant to the parties’ stipulation, the Court granted an extension until March 15, 2022, of the deadline for Defendants and Intervenor-Defendants to file an answer or other responsive pleading. ECF No. 15.

4. The Court set a Rule 16 Scheduling Conference for April 4, 2022, at 9 a.m., before Magistrate Judge Rom Trader. ECF No. 3. Pursuant to the Court’s order and the Local Rules, the parties’ Fed. R. Civ. P. 26(f) conference must occur at least 21 days prior to the Scheduling Conference, *i.e.*, by March 14, 2022, and the parties must file and serve on all parties a Scheduling Conference Statement at least seven days prior to the Conference, *i.e.*, by March 28, 2022.

5. THEREFORE, the parties hereby stipulate to and request that the Court enter an order extending to **March 29, 2022**, the deadline for Sierra Club, the Board of Water Supply, and the State to file answers or other responsive

pleadings; and continuing the Rule 16 Conference and associated deadlines until **April 18, 2022**, or another convenient date for the Court.

Dated: March 9, 2022

Respectfully submitted,

TODD KIM  
Assistant Attorney General  
Environment & Natural Resources Division  
U.S. Department of Justice

/s/ Lucy E. Brown

LUCY E. BROWN (HI Bar #10946)  
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28 U.S.C. § 515  
DANA A. BARBATA (HI Bar #9112)  
Assistant U.S. Attorney

Attorneys for Plaintiff

DATED: Honolulu, Hawai‘i, March 8, 2022.

/s/ David L. Henkin

DAVID L. HENKIN  
KYLIE W. WAGER CRUZ  
EARTHJUSTICE

Attorneys for Intervenor-Defendant  
SIERRA CLUB

DATED: Honolulu, Hawai‘i, March 8, 2022.

/s/ Jeff A. Lau

Attorney for Intervenor-Defendant  
BOARD OF WATER SUPPLY, CITY  
AND COUNTY OF HONOLULU

DATED: Honolulu, Hawai‘i, March 8, 2022.

/s/ Nicholas M. McLean

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ELIZABETH A. CHAR, in her official  
capacity as Director of the State of Hawai‘i  
Department of Health;  
MARIAN E. TSUJI, in her official capacity  
as Deputy Director of the State of Hawai‘i  
Department of Health

**APPROVED AND SO ORDERED.**

DATED: March 9, 2022, at Honolulu, Hawai‘i.



/s/ Derrick K. Watson

Derrick K. Watson  
United States District Judge

*UNITED STATES v. DEPARTMENT OF HEALTH, STATE OF HAWAI‘I; ELIZABETH A. CHAR, in her official capacity as Department of Health Director; MARIAN E. TSUJI, in her official capacity as Department of Health Deputy Director; and SIERRA CLUB; and BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU; No. 1:22-cv-00051-DKW-RT; SECOND JOINT STIPULATION AND ORDER TO CONTINUE ALL DEADLINES*